

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

H. CLAYTON PETERSON,

Defendant.

ORDER OF FORFEITURE

11 Cr. 665 (RPP)

WHEREAS, on or about August 5, 2011, H. CLAYTON PETERSON (the "Defendant") was charged in a two-count Information, 11 Cr. 665 (RPP) (the "Information"), with conspiracy to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Count One); and securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5; and Title 18, United States Code, Section 2 (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Two of the Information seeking, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, the forfeiture of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of either of the offenses alleged in Counts One and Two of the Information;

WHEREAS, on or about August 5, 2011, the Defendant pled guilty to Counts One and Two of the Information;

WHEREAS, on or about October 11, 2011, the Defendant was sentenced and ordered to forfeit all property, real and personal, that was derived from proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information, in an amount to be reported to the Court at a later time;

WHEREAS, on or about October 31, 2011, the Court endorsed a letter from the Government, submitted with the consent of the Defendant, reporting that the amount subject to forfeiture was \$63,826.00 in United States currency;;

WHEREAS, the Defendant has already provided a check to the United States Marshals Service in the amount of \$63,826.00 as payment of this forfeiture obligation, but the check cannot be deposited absent this Order;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$63,826.00 in United States currency (the "Money Judgment") shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Order, this Order of Forfeiture is final as to the Defendant, H. CLAYTON PETERSON, and shall be made part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service," and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. Upon execution of this Order of Forfeiture and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for

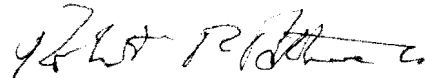
production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, Chief of the Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York  
February 14, 2012

SO ORDERED:

  
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THE HONORABLE ROBERT P. PATTERSON  
UNITED STATES DISTRICT JUDGE

